

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION

OF: TAKAGI ET AL.

SERIAL No. 10/019,481

FILED: APRIL 04, 2002

FOR: ANT CONTROLLERS AND METHOD FOR APPLICATION THEREOF

CONFIRMATION No.: 1417

GROUP ART UNIT: 1616

EXAMINER: NEIL S. LEVY



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner of Patents and Trademarks, Alexandria, Va 22313-1450, on:

December 13, 2004

Date of Deposit

Barbara A. Schwalge

Person Making Deposit

Signature

December 13, 2004

Date of Signature

Honorable Commissioner

for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

REPLY UNDER 37 C.F.R. §1.111

Sir:

In reply to the Office action of June 11, 2004, it is respectfully requested that the following remarks be entered and considered by the Examiner:

R E M A R K S

Claims 1, 10 and 13 to 17 as presented by applicants in their reply dated March 02, 2004, are currently pending in this case.

The Examiner has withdrawn Claim 15 which was newly submitted in said reply from consideration in this application arguing that the claim relates to subject matter which is independent or distinct from the subject matter of Claims 1, 10 and 13, 14, 16 and 17 under Rule 142(b) and MPEP §821.03. It is respectfully noted that the present application was filed under the provisions of 35 U.S.C. §371. The U.S. national standards for restricting our claims relating to independent or distinct inventions which are addressed in MPEP Chapter 800 are, therefore, not applicable in the present case. Accordingly, the Examiner's withdrawal of Claim 15 from consideration in this application is not deemed to be proper. It is respectfully requested

01/26/2005 FPATTERS 00000001 110345 10019481

01 FC:1253 0412/23.00 DA

- 1 -

1616.
H

For Fee Only

teaching of *Treacy et al.* clearly fails to show exactly what is claimed in as complete detail as is contained in the claim¹¹⁾ including the "part-to-part relationships" which are set forth in applicants' claims and which give those claims their meaning¹²⁾. As such, the teaching of *Treacy et al.* cannot be regarded as a disclosure which anticipates the subject matter of applicants' claims within the meaning of Section 102(b). Favorable reconsideration of the Examiner's position and withdrawal of the respective rejection is respectfully solicited.


REQUEST FOR EXTENSION OF TIME:

It is respectfully requested that a three month extension of time be granted in this case. Please charge the requisite fee in the amount of \$980.00 to Deposit Account No. 11.0345.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees, to Deposit Account No. 11.0345. Please credit any excess fees to such deposit account.

Respectfully submitted,

KEIL & WEINKAUF



Daniel S. Kim

Reg. No. 51,877

1350 Connecticut Ave, N.W.
Washington, D.C. 20036
(202) 659-0100

HBK/BAS

11) Cf. Titanium Metals Corp. v. Banner, 778 F.2d 775, 227 USPQ 773 (CAFC 1985); In re Marshall 577 F.2d 301, 198 USPQ 344 (CCPA 1978); In re Kalm 378 F.2d 959, 154 USPQ 10 (CCPA 1967); Richardson v. Suzuki Motor Co., 868 F.2d 1226, 9 USPQ2d 1913 (CAFC 1989); Lindemann Maschinenfabrik v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481 (CAFC 1984).

12) Cf. Lindemann Maschinenfabrik v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481 (CAFC 1984).